

09/547,788

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 984098385 US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 1/16/04 Signature: Judy Bridgewater
(Judy Bridgewater)

Docket No.: 511582001310
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel E. H. AFAR, et al.

Application No.: Not Yet Assigned

Filed: Concurrently Herewith

For: NOVEL PROSTATE-RESTRICTED GENE
EXPRESSED IN PROSTATE CANCER

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL
UNDER MPEP 708.03 XII**

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. The present application is under obligation of assignment to Agensys, Inc., a corporation of California entitled to small entity status.
2. The subject of the patent application is a major asset of Agensys, Inc.
3. The development of the technology set forth in the application, which is critical to Agensys, Inc. and which is of significance to biotechnology, will be significantly impaired if examination of the patent application is delayed.
4. The petition fee under 37 C.F.R. 1.17(h) is enclosed.

Explanation (MPEP 708.02, XII, c) of the basis for statement 3:

01/22/2004 SZEWDIE1 00000030 031952 10759803

01 FC:1460 sd-179424 130.00 DA

Application No.: Not Yet Assigned

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The present application relates to a technology which is critical to the development of products needed to attract investment. As there will be no incentive provided by exclusivity to develop this technology on behalf of Agensys, Inc. development will be severely impaired and funding may not be available without assurance that the application will be quickly examined.

Dated: January 16, 2004

Respectfully submitted,

By 

David L. Devernoe

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